EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 2

DOCKET NO.: 2007-0400-AIR-E **TCEQ ID:** RN100209931 **CASE NO.:** 33001

RESPONDENT NAME: Bayer Material Science LLC

ORDER TYPE:		
X 1660 AGREED ORDER	FINDINGS AGREED ORDER	FINDINGS ORDER FOLLOWING SOAH HEARING
FINDINGS DEFAULT ORDER	_SHUTDOWN ORDER	IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
AMENDED ORDER	_EMERGENCY ORDER	
CASE TYPE:		
XAIR	MULTI-MEDIA (check all that apply)	INDUSTRIAL AND HAZARDOUS WASTE
PUBLIC WATER SUPPLY	PETROLEUM STORAGE TANKS	OCCUPATIONAL CERTIFICATION
WATER QUALITY	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL
MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	DRY CLEANER REGISTRATION
SITE WHERE VIOLATION(S) OCCUR TYPE OF OPERATION: Chemical manu	RED: Bayer MaterialScience Baytown Plant, 850	00 West Bay Road, Baytown, Chambers County
SMALL BUSINESS: Yes X	No	
OTHER SIGNIFICANT MATTERS: The facility location.	ere are no complaints. There is no record of addit	ional pending enforcement actions regarding this
INTERESTED PARTIES: No one other t	than the ED and the Respondent has expressed an i	interest in this matter.
COMMENTS RECEIVED: The Texas Re	egister comment period expired on July 30, 2007.	No comments were received.
David Van Soest, Enforcement D Respondent: Mr. James Newpor Mr. Eric S. Hoffman, Interim Pla	tor: None or: Ms. Nadia Hameed, Enforcement Division, En pivision, MC 219, (512) 239-0468 t, Plant Manager, Bayer MaterialScience LLC, 850 nt Manager, Bayer MaterialScience LLC, 8500 Woresented by counsel on this enforcement matter	00 West Bay Road, Baytown, Texas 77520

RESPONDENT NAME: Bayer Material Science LLC DOCKET NO.: 2007-0400-AIR-E

VIOLATION SUMMARY CHART: PENALTY CONSIDERATIONS CORRECTIVE ACTIONS VIOLATION INFORMATION TAKEN/REQUIRED Seat 2 Type of Investigation: Total Assessed: \$38,233 **Corrective Actions Taken:** ___ Complaint Routine Total Deferred: \$7,646 The Executive Director recognizes that the Enforcement Follow-up Respondent has implemented the X Expedited Settlement following corrective measures at the Plant: X Records Review __Financial Inability to Pay Date(s) of Complaints Relating to this a. In order to ensure that the issue of openended lines is addressed, on October 3, Case: None July 10 11 157 SEP Conditional Offset: \$0 2006, Leak Detection and Repair ("LDAR") training was conducted and a Date of Investigation Relating to this Total Paid to General Revenue: \$30,587 procedure to enforce the LDAR program Case: January 3, 2007 every other month was implemented; Site Compliance History Classification Date of NOE Relating to this Case: __ High _X Average __ Poor b. On December 7, 2005, the flame March 2, 2007 (NOE) scanner parts which caused the incinerator Person Compliance History Classification FV 11514600 to malfunction were Background Facts: This was a routine __ High _X_Average __ Poor replaced: and records review. Three violations were documented. Major Source: X Yes ___ No c. On April 26, 2006, the interface data system that collected and recorded data AIR Applicable Penalty Policy: September 2002 from the flow indicator from the hydrogen chloride incinerator was repaired and the 1) Failure to seal open-ended lines in VOC problem that led to data loss was service. Specifically, Bayer discovered and corrected. reported a total of ninety-three open-ended CALL DAY ALL BY SELECT lines that were in VOC service during the time period of October 1, 2005 to September 30, 2006 [30 Tex. ADMIN. CODE §§ 122.143(4), 115.352(4), 116.115(c), Air Permit No. O-02101, Special Terms and Conditions No.11, Air Permit No. 1849A, Special Condition ("SC") No.4E, Air Permit No. 2005, SC No. 3C, Air Permit No. 2033, SC No. 9E, Air Permit No. 26246, SC No. 9E, Air Permit No. 29481, SC No. 7E, 40 CODE OF FEDERAL REGULATIONS ("CFR") § 60.167(a)(1) and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 2) Failure to reduce emissions of total organic hazardous air pollutants by 98 weight-percent or to a total concentration of 20 parts per million volume, as stated in the April 28, 2006 deviation report. Specifically, there were eleven deviations which occurred between October 5, 2005, and January 23, 2006, lasting for a total of sixteen hours and releasing approximately 8,061 pounds ("lbs") of carbon monoxide, 116.28 lbs of chlorobenzene and 28.77 lbs of ortho dichlorobenzene from the

CODE § 382.085(b)].

incinerator at Unit FV11514600 [30 Tex. Admin. Code § 101.20(2), 40 CFR § 63.113(a)(2) and Tex. Health & Safety

RESPONDENT NAME: Bayer MaterialScience LLC DOCKET NO.: 2007-0400-AIR-E

3) Failure to collect and record data from flow indicator on the hydrogen chloride incinerator at Unit FV 11514600 from 8:14 A.M. to 9:14 A.M. on April 26, 2006. The data from this indicator is required to be monitored and recorded continuously [30 Tex. Admin. Code § 101.20(2), 40 CFR §§ 63.114(d)(1) and 63.152(f)(1), and Tex. Health & Safety Code § 382.085(b)].		
	•	

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Policy Revision 2 (Se	Penalty Calculatio	n Worksheet (P	CW) PCW Revision Ja	nuary 9, 2007
TCEQ DATES Assigned PCV		EPA Due 27-Nov-2007		
RESPONDENT/FACILIT Responden Reg. Ent. Ref. No Facility/Site Region	t Bayer MaterialScience LLC . RN100209931	Major/Minor Source	Major	
CASE INFORMATION Enf./Case ID No Docket No Media Program(s Multi-Medi Admin. Penalty \$. 2007-0400-AIR-E) Air Quality a	No. of Violations Order Type Enf. Coordinator EC's Team	1660	2
	Penalty Calcula LTY (Sum of violation base penaltic		Subtotal 1	\$22,100
ADJUSTMENTS (+/- Subtotals 2-7 are obt Compliance His	ained by multiplying the Total Base Penalty (Subtotal 1) by tory 98% Penalty enhancement due to seventeen seight non-similar NOVs of which four we	Enhancement Subt same or similar NOVs, and ere Discharge Monitoring	otals 2, 3, & 7	\$21,658
Culpability Note		e culpability criteria.	Subtotal 4	\$0
Good Faith Effo Extraordina Ordina N Note	Before NOV NOV to EDPRP/Settlement Offer ry ry X (mark with x)		Subtotal 5	\$5,525
Аррго		Enhancement* d at the Total EB \$ Amount	Subtotal 6	\$0
SUM OF SUBTOTA	LS 1-7		Final Subtotal	\$38,233
	AS JUSTICE MAY REQUIRE IS LIBERT OF THE INTERPOLATION OF THE INTERPOLATI	ly; e.g30 for -30%.)	Adjustment	\$0
Notes				
	4	Final Pe	enalty Amount	\$38,233
STATUTORY LIMIT	ADJUSTMENT	Final Ass	essed Penalty	\$38,233
DEFERRAL Reduces the Final Assessed F	renalty by the indicted percentage. (Enter number only; e	20% Reduction .g. 20 for 20% reduction.)	Adjustment	-\$7,646
Notes	Deferral offered for expedit	ed settlement.		٠

PAYABLE PENALTY

\$30,587

Docket No. 2007-0400-AIR-E

PCW

Policy Revision 2 (September 2002) PCW Revision January 9, 2007

Respondent Bayer Material Science LLC Case ID No. 33001

Reg. Ent. Reference No. RN100209931

Media [Statute] Air Quality Enf. Coordinator Nadia Hameed

•	and the same of the	y Site Enhancement (Subtotal 2) Number of	Enter Number Here	Adjust.	
	NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	17	85%	
		Other written NOVs	8	16%	
		Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%	
	Orders 4	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission		:;; ; 0%	
	Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)		0%	
	and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government		0%	y
	Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%	
	Emissions	Chronic excessive emissions events (number of events)	0	0%	
	Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)		-1%	
		Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	1 1 (4)	-2%	
		Plea	se Enter Yes or No		
		Environmental management systems in place for one year or more	No Hi	0%	
	Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%	
	0	Participation in a voluntary pollution reduction program	No	0%	
		Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%	
		Adjustment P	Percentage (Si	ubtotal 2)	989
pea	at Violator (Su	ibtotal 3)	Aller of Control of		
	No	Adjustment P	ercentage (Si	ubtotal 3) [0%
mp	liance Histor	y Person Classification (Subtotal 7)			
	Average P	erformer Adjustment P	ercentage (Si	ubtotal 7) [0%
mp	llance Histor	y Summary			
	Compliance History Notes	Penalty enhancement due to seventeen same or similar NOVs, and eight non-similar NOVs were Discharge Monitoring Reports (DMRs). Reduction for one notice of audit, and one violations are continuously and continuously and continuously are continuously and continuously and continuously are continuously and continuously and continuously are continuously and continuously are continuously and continuously are continuously and continuously are continuously and continuously are continuously and continuously and continuously are continuously are continuously and continuously are continuously are continuously are continuously and continuously are continu			

Scre	ening Date	6-Mar-2007		Docl	ket No. 2007-040	0-AIR-E	PCW
R	espondent	Bayer MaterialS	cience LLC			Policy F	Revision 2 (September 2002)
i sangi i i (Case ID No.	33001				PC	W Revision January 9, 2007
Reg. Ent. Ref	erence No.	RN100209931					WAY THE STATE OF T
Med	ia [Statute]	Air Quality					***************************************
		Nadia Hameed					on control of the con
Viol	ation Number	1 1					1
	Rule Cite(s)	Special Terms No.4E, Air Peri No. 26246,	and Condition mit No. 2005 , SC No. 9E,	ons No.11, Air Po 5, SC No. 3C, Ai Air Permit No. 2	ermit No. 1849A, Sp r Permit No. 2033, 19481, SC No. 7E, 4	or Permit No. O-02101, pecial Condition ("SC") SC No. 9E, Air Permit Of Code of Federal y Code § 382.085(b)	
Violatio	n Description	conducted on	January 3, 2 open-ended	007. Specifically lines that were i	, Bayer discovered	I during an investigation and reported a total of ng the time period of	
			-			Base Penalty	\$10,000
>> Environmenta	l, Property	and Human H	ealth Matı	ri x			
Mariana Mariana			Harm				-
OR	Release Actua	,	Moderate	Minor		•	
Y	Potentia			×	Percent	10%	mmmyooo
>>Programmatic							WWW.2017.COOPE
	Falsification	Major	Moderate	Minor	Percent	0%	DESCRIPTION
	<u> </u>				reiceiit	0 /0]	-
Matrix Notes	Human heal	th or the environr		ive been expose esult of the violati		nounts of pollutants as a	a a
Secretary of the second	on a second of	street of a region project	Palma ACTAIN		Adjustme	nt \$9,000	0]
Salah Sa Baran Salah Sa	gair agus an tagain taoire atáir a tha an ainmi	-	-	## AND			\$1,000
The state of the s							\$1,000
Violation Events	a province and the	i jaran kalen	talah selah s	Ng sizagaran	Comment of the commen	- Section States	
	3586.238.222.3638094	STORES SERVICE LA LIBERTA DE LA CASA DE LA C		RANGE PORTES OF SECUL DANIES AND	HARLICE CONTRACTOR STATES AND	Cabatha Did 200 august Lister edit i Christisch (1747 erffest 1964 et 2000). A	Sold T
daya dadalara	Number of V	iolation Events	2		93 Number	of violation days	
		IS SECTION OF					
		daily monthly					
	mark only one					Violation Base Penalt	y \$2,000
	with an x	semiannual					
10000 AND		annual					
		single event	X				
		Two single ev	rents (one e	vent per reporting	g period) are recom	mended.	V V
Economic Benef	it (EB) for t	nis violation	3. 2.89	MG Sausy Committee	Statute	ory Limit Test	
gran available street : Da	MATERIAL PROPERTY OF A STATE OF THE STATE OF	ed EB Amount		\$61	Viola	tion Final Penalty Tota	\$3,460
	Esumat	tu ED AMOUNT		-			
			т	his violation Fir	al Assessed Pena	alty (adjusted for limits	\$3,460

		COHOHING I	Benefit W	OIK	sneer		
Respondent	Bayer Material	Sclence LLC				The Add to the Control	
Case ID No.	33001						
Reg. Ent. Reference No.	RN100209931						
Media	Air Quality	•				Contraction of the	Years of
Violation No.						Percent Interest	Depreciation
	. Casalinia	ang			achanic materials	5.0	15
		Berea Bulanzina d	Logina aliak del	g political de la		Onetime Costs	**************************************
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$					Sala a Se e e e e e e e	
	海流 医乳头上的		for the second	* :	and the state of the		
Delayed Costs	particular in the		Laurence Colores	46	and the second second		
Egulpment	GLACE STATE	a a chamanifalto	Established St.	0.0	\$0	\$0	\$0
Buildings	Nakati Lidati	L. College School Carlo	Market Control	0,0	\$0	\$0	\$0
Other (as needed)				0,0	\$0	\$0	\$0
Engineering/construction			ting to the second second	0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$1,500	11-Dec-2005	3-Oct-2006	0.8	\$61	n/a	\$61
Remediation/Disposal	المرين بالمناب المناب المناب			0.0	\$0	n/a	\$0
Permit Costs	Literatura de la composição			0.0	\$0 ,	n/a	\$0 V
Other (as needed)			nerators Date re	0.0	s the start date of	n/a	\$0
Notes for DELAYED costs	Estimated cos the corre	et to retrain LDAR of ective action measu	perators. Date re ures were Implem	0.0 equired in ented to	s the start date of prevent the recuri	the deviation. Final cence of this non-cor	\$0 date is the date mpliance.
Notes for DELAYED costs Avoided Costs	Estimated cos the corre	et to retrain LDAR of ective action measu	perators. Date re ures were Implem	0.0 equired in ented to	s the start date of prevent the recuri	the deviation. Final or	\$0 date is the date mpliance.
Notes for DELAYED costs	Estimated cos the corre	et to retrain LDAR of ective action measu	perators. Date re ures were Implem	0.0 equired intended to entering	s the start date of prevent the recuri	the deviation. Final of this non-corone-time avoided of \$0	\$0 date is the date mpliance.
Notes for DELAYED costs Avoided Costs Disposal Personnel	Estimated cos the corre	et to retrain LDAR of ective action measu	perators. Date re ures were Implem	equired in ented to entering	s the start date of prevent the recurritem (except for	the deviation. Final of this non-corone-time avoided of \$0	\$0 date is the date appliance.
Notes for DELAYED costs Avoided Costs Disposal Personnel	Estimated cos the corre	et to retrain LDAR of ective action measu	perators. Date re ures were Implem	equired intented to	s the start date of prevent the recurring tem (except for \$0\$0\$0\$0\$0\$0\$0\$0.	the deviation. Final or rence of this non-cor	\$0 date is the date inpliance.
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	Estimated cos the corre	et to retrain LDAR of ective action measu	pperators. Date re ures were implem ed costs before e	equired intented to	s the start date of prevent the recuri	the deviation. Final cence of this non-corone-time avoided center \$0	\$0 date is the date mpliance.
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	Estimated cos the corre	et to retrain LDAR of ective action measu	pperators. Date re ures were implem ed costs before e	equired in the second of the s	s the start date of prevent the recuriitem (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	the deviation. Final cence of this non-corone-time avoided center is \$0 \$0 \$0 \$0	\$0 date is the date impliance. \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs AVOIDED COSTS DISPOSAI Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated cos the corre	et to retrain LDAR of ective action measu	pperators. Date re ures were implem ed costs before e	0.0 equired intented to entering 0.0 0.0 0.0 0.0 0.0 0.0	s the start date of prevent the recursive solution (except for \$0.50.50.50.50.50.50.50.50.50.50.50.50.50	the deviation. Final or ence of this non-corone-time avoided or \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	so date is the date mpliance. sosts) \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated cos the corre	et to retrain LDAR of ective action measu	pperators. Date re ures were implem ed costs before e	equired i entering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.	s the start date of prevent the recuriitem (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	the deviation. Final of the deviation. Final of the comment one-time avoided of \$0.50.50.50.50.50.50.50.50.50.50.50.50.50	\$0 date is the date impliance. sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

Scree	ening Date	6-Mar-2007	D	ocket No. 2007-0400	-AIR-E	PCW
R	espondent	Bayer MaterialSe	cience LLC		Policy Rev	vision 2 (September 2002)
C	ase ID No.	33001			PCW	Revision January 9, 2007
Reg. Ent. Refe	erence No.	RN100209931				9000
Medi	ia [Statute]	Air Quality				-
Enf. C	oordinator	Nadia Hameed	•			
Viola	ition Number					
	Rule Cite(s)	30 Tex. Admi	n. Code § 101.20(2), 40 Cl Code §	FR § 63.113(a)(2) and 7 382.085(b)	Гех. Health & Safety	
Violation	n Description	or to a total of 2006 deviation r October 5, 2005 approximately	emissions of total organic concentration of 20 parts eport. Specifically, there w i, and January 23, 2006, la 8,061 pounds ("lbs") of ca is of ortho dichlorobenzene	per million volume, as sere eleven deviations wasting for a total of sixterbon monoxide, 116.28	stated in the April 28, which occurred between en hours and releasing lbs of chlorobenzene	
	•				Base Penalty	\$10,000
>> Environmental	, Property a	and Human H		THE METERS OF THE STATE OF THE	Configuration of the second of	
Page and	Release	Major l	Harm Moderate Minor			
OR	Actual		X Violetate Viinoi			
10 (1. 164) 1 (1. 164)	Potential	<u> </u>		Percent	50%	
>>Programmatic I	Matrix Falsification	Major	Moderate Minor			
	raisilication	Major II	vioderate iviirioi	Percent	0%	
	<u> </u>					
Matrix Notes	Human heal exceed le	th or the environr evels that are pro	nent has been exposed to tective of human health or violation.	significant amounts of environmental recepto	pollutants which do not rs as a result of the	
	To the state of the			Adjustmen	t \$5,000	
·						\$5,000
Violation Events	geranders Tanktaller	TO THE RESERVE OF THE			ira ar a saga sagangganggina	
	Niverala au ad VII	islation Events	 1 [8 Number o	of violation days	-
	Number of Vi	olation Events	4	8 Indiliber c	ii violation days	2004
		daily	1			
		monthly	x			
	mark only one	quarterly		'	/iolation Base Penalty	\$20,000
	with an x	semiannual				
		annual				
		single event				
		•	Four monthly events are	recommended.		
Economic Benefi	t (EB) for th	nis violation		Statuto	ry Limit Test	
	Estimate	ed EB Amount	\$14	Violat	ion Final Penalty Total	\$34,600
				Final Appeared Descri	the ladiusted for limital	\$34,600
	180		inis violation	rinai Assessed Pena	ty (adjusted for limits)	\$54,000

	Bayer Material	Science LLC					
Case ID No	33001						
ea. Ent. Reference No							
	Air Quality				** 1. p	I GARAGA MATATAN	Years of
Violation No						Percent Interest	Depreciation
Violation NO	• 4			iki biding Lu	okorastos autoriai	Particular section of the control of	THE PROPERTY OF
	Walting and	and the transfer of the first	المالية المتاريخ والقال الأ		aling personal land	5,0	1
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	 No commas or \$ 					ogue a propinsi propi	Š. Mirekani.
	gkalanti istika lateka kara tra	oute or delica etricadores	enericaliste (117 e 197)				
Delayed Costs	\$ \$1,200	5-Oct-2005	7-Dec-2005	0,2	\$1	\$14	\$14
Equipment Buildings	\$1,200	0-OCI-2005	7-Dec-2005	0.0	\$0	\$0	\$0
Other (as needed)	Constitution and administration and the control of	This post to gold sure in the same and a		0.0	\$0	\$0	\$0
	Facility (1965)			0.0	\$0	\$0	\$0
Engineering/construction Land	6		<u> </u>	0.0	\$0 \$0	n/a	\$0
Record Keeping System	tellidas sieties as as as as			0.0	\$0	n/a	\$0
Training/Sampling		na na mana ang katalan ing p	Maria de la compansión de	0,0	\$0	n/a	\$0
Remediation/Disposal				0,0	\$0	n/a	\$0
Permit Costs				, 0,0	\$0	n/a	\$0
Other (as needed)	. I well-the in-pains			0.0	\$0	n/a	\$0
Notes for DELAYED costs						e of the initial non-co compliance were co	
	date is t	he date the correcti	ve actions to prev	ent recu	urrence of this non	compliance were co	ompleted.
Avoided Costs	date is t	he date the correcti	ve actions to prev	ent recu	irrence of this non	compliance were co	ompleted.
Avoided Costs	date is t	he date the correcti	ve actions to prev	ntering	urrence of this non litem (except for \$0	compliance were co	ompleted, osts) \$0
Avoided Costs Disposal Personnel	date is t	he date the correcti UALIZE [1] avoide	ve actions to prev	ntering	item (except for	compliance were connectime avoided of \$0 \$0	costs) \$0 \$0
Avoided Costs Disposal Personnel nspection/Reporting/Sampling	date is t	he date the correcti UALIZE [1] avoide	ve actions to prev	ntering 0,0 0,0 0,0	item (except for \$0 \$0 \$0	compliance were co	sosts) \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	date is t	he date the correcti UALIZE [1] avoide	ve actions to prev	ntering 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0	compliance were compliance were compliance avoided of \$0 \$0 \$0 \$0 \$0 \$0	sosts) \$0 \$0 \$0 \$0 \$0
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Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	date is t	he date the correcti UALIZE [1] avoide	ve actions to prev	ntering 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0	compliance were compliance were compliance avoided of \$0 \$0 \$0 \$0 \$0 \$0	sosts) \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	date is t	he date the correcti UALIZE [1] avoide	ve actions to prev	ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	compliance were compliance were compliance avoided complete some some some some some some some som	sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	date is t	he date the correcti UALIZE [1] avoide	ve actions to prev	ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	compliance were compliance were compliance avoided complete some some some some some some some som	sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	date is t	he date the correcti UALIZE [1] avoide	ve actions to prev	ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	compliance were compliance were compliance avoided complete some some some some some some some som	sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel nspection/Reporting/Sampling Suppiles/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	date is t	he date the correcti UALIZE [1] avoide	ve actions to prev	ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	compliance were compliance were compliance avoided complete some some some some some some some som	sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
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Screening Da	ate 6-Mar-2007		Docket No. 20	07-0400-AIR-E		PCW
Responde	ent Bayer MaterialSc	ience LLC			Policy Revision 2	September 2002)
Case ID N					PCW Revisio	n January 9, 2007
Reg. Ent. Reference						
Media [Statu						
	tor Nadia Hameed					
Violation Num						in the second se
Rule Cite	30 Tex. Admin.	Code § 101.20(2), 40 Health & Sa	OCFR §§ 63.114(d) afety Code § 382.08		and Tex.	
Violation Descript	at Unit FV 115	and record data from 14600 from 8:14 A.M tigation conducted or required to be monit	. to 9:14 A.M. on Aր ո January 3, 2007.	oril 26, 2006, as docu The data from this inc	umented	
				Bas	se Penalty	\$10,000
>> Environmental, Proper	ty and Human He	alth Matrix		en e	•	,
· · · · · · · · · · · · · · · · · · ·		Harm	ann which wester besidets a synthestoric (j. 1412-794) en i . e. Toe	Tagana (1906) - 191 may Compagnia commissión como commissión casa agrico po-		
OR Rele	ase Major M tual	loderate Minor				
Potei	L		Pe	ercent 0%		
1 Otel	itiail					
>>Programmatic Matrix						
Falsificat	ion Major M	loderate Minor	THE PROPERTY OF A PROPERTY WAS			
		[. x	Pe	ercent 1%		
Matrix Notes	Less tha	n 30 percent of the ru	ıle requirement was	not met.		
			Adj	ustment	\$9,900	
NA 100 100 100 100 100 100 100 100 100 10						\$100
						\$100
Violation Events	Participation of the Committee of the	A STATE OF THE PROPERTY OF THE PARTY OF THE		Mark the Secretary	STATE BOOK	
nding Plays and a state of the databases of the state of	le Salmania hukinde al trillistant se realiza di sidirini	Lucia - Sul control de	is almo kumui nastii almin "je Cieekkies keelsa kultus	Tatuatilia Miduli biroi lebikasidi dilo	olofiii milalgathiomid edilmedii tre s	
Number o	f Violation Events	1	1N	umber of violation da	ays	
	• soan is Albert Sona					
	daily					
	monthly			Violation Ba	se Penalty	\$100
mark only with an				Violation Da	se r enaity	Ţ.,
	annual					
•	single event	X				
	• · · · · · · · · · · · · · · · · · · ·			•		
		One single event i	is recommended.			
Economic Benefit (EB) fo	r this violation		· · · · · · · · · · · · · · · · · · ·	tatutory Limit Te	est	
The court of the control of the court of the	nated EB Amount	economica de como contrato en el como contrato de como como como como como como como com	\$0	Violation Final Pe	nalty Total	\$173
promise of all services are also as the state of the services	gurayas erektorer tra situa represançatoren 2000/20	This violat	tion Final Assesse	d Penalty (adjusted	l for limits)	\$173

	-141) E	conomic l	Benefit W	orks	sneet	gwith is he distinct	Heriotal III
	Bayer Materials	Science LLC			na Maria Balik		e fusion e : V - T - V
_ Case ID No.						S. B. 1897 (98)	
Reg. Ent. Reference No.						rana ang ang ang ang ang ang ang ang ang	and www.lateraway.or
	ı Air Quality					Percent Interest	Years of
Violation No	. 3			111.0 1	COLUMN TO SERVICE TO SERVICE S	A WAY THREE TO SELECT	Depreciation
					neternity	5.0	. 15
A	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
ltem Description	No commae or \$	Andreas - Andreas	promition out the state		and the state of t	garioni di constitui di constit	
	, 110 continuation will	ONEDRICAL SET OF SECTION SET	SERRETERS OF VEH WAS DA	#THEFT CONTRA	rangi abasar pryum somesi	ector - estapi tegger propins '	58 1
Delayed Costs		a companies for	discoverable section		13.56.07.540080.0811.0911.09		
Equipment				0.0	\$0	\$0	\$0
Bulldings		thrappen politica place.	NA GATALI	0,0	\$0	\$0	\$0
Other (as needed)		الوادا في المالية والمحرود وال		0.0	\$0	\$0	\$0
Engineering/construction			Lean Colonia Lance (19	0,0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	· · · · · · · · · · · · · · · · · · ·			0.0	\$0	n/a	\$0
Training/Sampling				0,0	\$0	n/a	\$0
Remediation/Disposal							
Kemediation/Disposal	Lance of the second	I was a second	باغت خاصاتان كالمحصم	0,0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
	\$200	26-Apr-2006	26-Apr-2006	0.0	\$0 \$0	n/a n/a	\$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs	Estimated cos	t to repair data rec	ording system. D date the re	0.0 0.0 ate reques	\$0 \$0 ired is the start da s completed.	n/a n/a te of the deviation, I	\$0 \$0 Final date is the
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs	Estimated cos	t to repair data rec	ording system. D date the re	0.0 0.0 ate requespair wa	\$0 \$0 lired is the start da s completed.	n/a n/a te of the deviation, I	\$0 \$0 Final date is the costs)
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal	Estimated cos	t to repair data rec	ording system. D date the re	ate requestive at the requestion of the requesti	\$0 \$0 Ired is the start da s completed. Item (except for	n/a n/a te of the deviation, i	\$0 \$0 Final date is the
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Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated cos	t to repair data rec	ording system. D date the re	0,0 0,0 0,0 ate requested 1,0 entering 0,0 0,0 0,0 0,0 0,0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	n/a n/a te of the deviation. I one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 Final date is the costs) \$0 \$0 \$0
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Permit Costs Other (as needed) Notes for DELAYED costs AVOICED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	Estimated cos	t to repair data rec	ording system. D date the re	0,0 0,0 ate requested was sentering 0,0 0,0 0,0 0,0 0,0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	n/a n/a te of the deviation. I one-time avoided (\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 Final date is the costs) \$0 \$0 \$0 \$0

Compliance History

Customer/Respondent/Owner-Operator:	CN601544042	Bayer Materialscience LLC	Classification: AVERAGE	Rating: 0.57
Regulated Entity:	RN100209931	BAYER MATERIAL SCIENCE BAYTOWN PLANT	Classification: AVERAGE	Site Rating: 0.
ID Number(s):	AIR OPERATING	S PERMITS	ACCOUNT NUMBER	CI0016S
	AIR OPERATING		PERMIT	1390
	AIR OPERATING		PERMIT	2100
	AIR OPERATING		PERMIT	2101
	AIR OPERATING		PERMIT	2102
	AIR OPERATING		PERMIT	2103
	AIR OPERATING		PERMIT	2104
	AIR OPERATING		PERMIT	2105
	AIR OPERATING		PERMIT	2106
	AIR OPERATING		PERMIT	2529
	AIR OPERATING		PERMIT	2105
	AIR OPERATING		PERMIT	2106
	WASTEWATER		PERMIT	WQ0001499000
	WASTEWATER		PERMIT	WQ0001499000
			PERMIT	TX0002798
	WASTEWATER			32678
	AIR NEW SOUR		PERMIT	32679
	AIR NEW SOUR		PERMIT	
	AIR NEW SOUR		PERMIT	32835
	AIR NEW SOUR		PERMIT	32889
	AIR NEW SOUR		PERMIT	32017
	AIR NEW SOUR		PERMIT	33384
	AIR NEW SOUF		PERMIT	32469
	AIR NEW SOUF	RCE PERMITS	PERMIT	33665
	AIR NEW SOUF	RCE PERMITS	PERMIT	33446
	AIR NEW SOUF	RCE PERMITS	PERMIT	34017
	AIR NEW SOUF	RCE PERMITS	PERMIT	33931
	AIR NEW SOUF	RCE PERMITS	PERMIT	34529
	AIR NEW SOUF	RCE PERMITS	PERMIT	35148
	AIR NEW SOUF	RCE PERMITS	PERMIT	35748
•	AIR NEW SOUR	RCE PERMITS	PERMIT	36361
•	AIR NEW SOUP	RCE PERMITS	PERMIT	36819
	AIR NEW SOUF	RCE PERMITS	PERMIT	38737
	AIR NEW SOUP	RCE PERMITS	PERMIT	39943
	AIR NEW SOUF	RCE PERMITS	PERMIT	39205
	AIR NEW SOUF	RCE PERMITS	PERMIT	39221
	AIR NEW SOUF	RCE PERMITS	PERMIT	39305
	AIR NEW SOUF		PERMIT	38197
	AIR NEW SOUF		PERMIT	40214
	AIR NEW SOUF		PERMIT	41110
	AIR NEW SOUP		PERMIT	41954
	AIR NEW SOUF		PERMIT	42933
	AIR NEW SOUR		PERMIT	43879
	AIR NEW SOUR		PERMIT	44256
	AIR NEW SOU		PERMIT	44965
	AIR NEW SOUR		PERMIT	46087
	AIR NEW SOU		PERMIT	46547
	AIR NEW SOU		PERMIT	47933
	AIR NEW SOU		PERMIT	47877
	AIR NEW SOU		PERMIT	48388
	AIR NEW SOU		PERMIT	49695
	AIR NEW SOU		ACCOUNT NUMBER	CI0016S
	AIR NEW SOU		PERMIT	15373
	AIR NEW SOU		PERMIT	1837
	AIR NEW SOU		PERMIT	1933
	AIR NEW SOU		PERMIT	1978
	AIR NEW SOU		PERMIT	1978A
			PERMIT	2005
	AIR NEW SOU	and the second s	PERMIT	2006A
	AIR NEW SOU			2006B
	AIR NEW SOU		PERMIT	2033E
	AIR NEW SOU		PERMIT	2035A
	AIR NEW SOU		PERMIT	2035A 2117
	AIR NEW SOU	KUE PEKIVIIIS	PERMIT	2111
	AIR NEW SOU	RCE PERMITS	PERMIT	2141

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	AIR NEW SOURCE PERMITS	PERMIT	6177
	AIR NEW SOURCE PERMITS	PERMIT	6391
	AIR NEW SOURCE PERMITS	PERMIT	6392
	AIR NEW SOURCE PERMITS	PERMIT	7503
	AIR NEW SOURCE PERMITS	PERMIT	7870
	AIR NEW SOURCE PERMITS	PERMIT	7997
	AIR NEW SOURCE PERMITS	PERMIT	10789
4	· · · · · · · · · · · · · · · · · · ·	PERMIT	10813
	AIR NEW SOURCE PERMITS	PERMIT	11261
	AIR NEW SOURCE PERMITS	PERMIT	11635
		PERMIT	13916
	AIR NEW SOURCE PERMITS	PERMIT	13917
	AIR NEW SOURCE PERMITS	PERMIT	14068
	AIR NEW SOURCE PERMITS	PERMIT	14776
	AIR NEW SOURCE PERMITS	PERMIT	15808
	AIR NEW SOURCE PERMITS	PERMIT	17110
	AIR NEW SOURCE PERMITS	PERMIT	18033
	AIR NEW SOURCE PERMITS	PERMIT:	7877A
	AIR NEW SOURCE PERMITS	PERMIT	20153
	AIR NEW SOURCE PERMITS	PERMIT	22197
	AIR NEW SOURCE PERMITS	PERMIT	23001
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	AIR NEW SOURCE PERMITS	PERMIT	28737
	AIR NEW SOURCE PERMITS	PERMIT	30638
	AIR NEW SOURCE PERMITS	PERMIT	31256
	AIR NEW SOURCE PERMITS	PERMIT	31683
	AIR NEW SOURCE PERMITS		32646
	AIR NEW SOURCE PERMITS	PERMIT	52342
	AIR NEW SOURCE PERMITS	PERMIT	53004
	AIR NEW SOURCE PERMITS	PERMIT	52109
	AIR NEW SOURCE PERMITS	REGISTRATION	55162
	AIR NEW SOURCE PERMITS	· · · · · · · · · · · · · · · · · · ·	75401
	AIR NEW SOURCE PERMITS		54702
	AIR NEW SOURCE PERMITS	•	4807100009
	AIR NEW SOURCE PERMITS	REGISTRATION	70871
	AIR NEW SOURCE PERMITS	REGISTRATION	70975
	AIR NEW SOURCE PERMITS	PERMIT	54695
	AIR NEW SOURCE PERMITS	PERMIT	52086
	AIR NEW SOURCE PERMITS	PERMIT	54700
	AIR NEW SOURCE PERMITS	REGISTRATION	76915
	AIR NEW SOURCE PERMITS	REGISTRATION	79855
	PETROLEUM STORAGE TANK	REGISTRATION	75002
	REGISTRATION	1	
	INDUSTRIAL AND HAZARDOUS WASTE	SOLID WASTE REGISTRATION # (SWR)	30603
	GENERATION		
	INDUSTRIAL AND HAZARDOUS WASTE	EPA ID	TXD058260977
	GENERATION	•	
	INDUSTRIAL AND HAZARDOUS WASTE	PERMIT	50173
	STORAGE		
	IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30603
	The state of the s	to the contract of the contrac	
	INDUSTRIAL AND HAZARDOUS WASTE	PERMIT	50173
	POST CLOSURE REPORT AND		
	INDUSTRIAL AND HAZARDOUS WASTE		50173
	COMPLIANCE PLANS COMPLIANCE NO DE LA COMPLIANCE PLANS		
	8500 W BAY RD, BAYTOWN, TX, 77520		Violator: NO
	CONTRACTOR OF THE PROPERTY OF	Color (CV)	

Location:

TCEQ Region:

REGION 12 - HOUSTON

Date Compliance History Prepared:

March 05, 2007

Agency Decision Requiring Compliance History:

Enforcement

Compliance Period:

March 05, 2002 to March 05, 2007

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name:

NHameed

Site Compliance History Components

713-767-3629

1. Has the site been in existence and/or operation for the full five year compliance period?

Yes

3. If Yes, who is the current owner?

Bayer Corporation

Bayer Materialscience, LLC.

Lanxess Corportation

Bayer Materialscience LLC.

Bayer Corporation

Bayer Chemicals Corporation

5. When did the change(s) in ownership occur?

4. if Yes, who was/were the prior owner(s)?

03/05/2003 07/01/2004

Components (Multimedia) for the Site:

Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government. A.

В. Any criminal convictions of the state of Texas and the federal government.

C. Chronic excessive emissions events.

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

> 1 03/05/2002 (143227)2 03/21/2002 (155553)3 03/26/2002 (143228)4 04/02/2002 (143229)5 04/12/2002 (143230)6 04/22/2002 (155559)7 05/01/2002 (143231)8 05/03/2002 (143232)9 05/16/2002 (143233)10 05/21/2002 (155564)11 05/30/2002 (143234)12 06/27/2002 (155568)13 07/16/2002 (3026)14 07/26/2002 (155572)15 08/14/2002 (6881)16 08/19/2002 (155576)17 09/23/2002 (12298)18 09/26/2002 (155579)19 09/26/2002 (12582)20 10/28/2002 (155583)21 10/28/2002 (155580)22 11/26/2002 (155588)23 11/26/2002 (155585)24 12/27/2002 (155593)25 12/27/2002 (155590)26 01/23/2003 (22356)27 01/23/2003 (155598)28 01/23/2003 (155595)29 02/24/2003 (155551)30 03/14/2003 (22299)31 03/21/2003 (155554)32 04/22/2003 (155560)33 04/22/2003 (155556)34 05/23/2003 (155561)35 05/23/2003 (155565)

36 06/01/2003

37 06/20/2003

38 07/22/2003

(450869)

(155569)

(155573)

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39 07/22/2003
                   (155570)
40 08/19/2003
                   (294403)
41 09/18/2003
                   (294405)
42 09/19/2003
                   (247865)
43 10/20/2003
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44 10/20/2003
                   (294408)
45 11/19/2003
                   (294409)
                   (250002)
46 11/30/2003
47 12/18/2003
                   (294410)
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                   (294412)
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                   (258329)
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                   (351678)
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101 03/14/2006
                   (454965)
102 04/05/2006
                   (468058)
103 05/01/2006
                   (463114)
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104 05/11/2006
                   (462169)
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105 05/22/2006
106 05/24/2006
                   (461566)
                   (497960)
107 06/19/2006
                   (460769)
108 07/20/2006
109 08/03/2006
                   (486550)
                   (465994)
110 08/18/2006
111 09/01/2006
                   (485127)
112 09/19/2006
                   (512304)
113 10/23/2006
                   (519973)
114 10/23/2006
                   (519974)
115 12/21/2006
                   (517975)
                   (517978)
116 01/19/2007
117 01/31/2007
                   (532639)
118 03/02/2007
                   (532758)
                   (532638)
119 03/02/2007
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E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date 07/12/2002

(3026)

otices of violatio	ns (N	OV). (CCEDS Inv. Track. No.)		
Date 04/15/2	2002	(143230)		
Self Report?	NO		Classification	Moderate
Citation: Description:		30 TAC Chapter 115, SubChapter D 115.353 ALT CNTRL REQUIREMENTS	Classification	Moderate
Self Report? Citation:	NO	30 TAC Chapter 116, SubChapter B 116.115(c)	Classification	Moderate
Rqmt Prov: Description:		OP PP12 PERMIT SPECIAL CONDITI		
Self Report?	NO		Classification	Moderate
Citation: Description:	NO	30 TAC Chapter 113, SubChapter C 113.130 FL BE COMPLIANCE DATE	Classification	Moderate
Self Report? Citation:	NO	30 TAC Chapter 101, SubChapter A 101.6[G]	Classification	Moderate
Description: Self Report?	NO	NOTIFICATION MAJ UPSET	Classification	Moderate
Citation: Description:		30 TAC Chapter 116, SubChapter B 116.115(c) PERMIT SPECIAL CONDITI		
Self Report? Citation:	NO	30 TAC Chapter 113, SubChapter C 113.130	Classification	Moderate
Description: Self Report?	NO	COMPLIANCE DATE	Classification	Moderate
Citation: Description:		30 TAC Chapter 113, SubChapter C 113,130 COMPLIANCE DATE		
Self Report?	NO	and the second s	Classification	Moderate
Citation: Description:		30 TAC Chapter 101, SubChapter A 101.20(1) NSPS STANDARDS	0) (5)	Minan
Self Report? Citation:	NO	30 TAC Chapter 115, SubChapter D 115.352(3)	Classification	Minor
Description: Self Report?	NO	REFINERY FUGTV CNTRL	Classification	Moderate
Citation: Description:		30 TAC Chapter 115, SubChapter D 115.355[G] VOC LEAKS TESTING		
Self Report?	NO		Classification	Moderate
Description: Date 05/06/	2002	VOC COUNTY COMPL DATES (143232)		
Self Report?	NO		Classification	Moderate
Citation: Rqmt Prov:		30 TAC Chapter 116, SubChapter B 116.115(c) OP PP7		
Description: Date 05/30/	/2002	PERMIT SPECIAL CONDITI (143234)		
Self Report?	NO		Classification	Moderate
Citation: Rqmt Prov: Description:		30 TAC Chapter 116, SubChapter B 116.115(c) OP PP3A PERMIT SPCIAL CONDITIO		
Self Report?	NO		Classification	Moderate
Citation: Rqmt Prov:		30 TAC Chapter 116, SubChapter B 116.115(c) OP PP3B		
Description:	/2002	PERMIT SPECIAL CONDITI		

Self Report? Classification Minor

30 TAC Chapter 319, SubChapter A 319.7(a)[G] Citation:

Description: Failure to document manganese oxide correction results.

Date 03/14/2003 (22299)

Self Report? Classification Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)[G]

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to control HMDA emissions within the permit limits.

Date 06/01/2003 (155570)

Self Report? Classification

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Failure to meet the limit for one or more permit parameter Description:

Date 06/30/2004 (294401)

Self Report? Classification Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date 07/01/2004 (258331)

Self Report? Classification Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)

30 TAC Chapter 116, SubChapter B 116.115(c)

Rgmt Prov: PA 2006 SC 10(E)

Description: Failure to plug open-ended valve or line.

Date 07/22/2004 (258310)

Self Report? Classification Minor

30 TAC Chapter 116, SubChapter B 116.115(c) Citation:

30 TAC Chapter 122, SubChapter B 122.143(4) Rqmt Prov: **PERMIT 1978**

OP O-02105

Description: Failure to seal open-ended lines. (258315)Date 07/22/2004

Self Report? Classification Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)

30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)

Rqmt Prov: PERMIT 18033, Special Condition 2(E)

> PERMIT 22197, Special Condition 10(E) PERMIT 32679, Special Condition 7(E)

OP O-02102

Description: Failure to seal open-ended lines.

Self Report? Classification NO Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

PERMIT 32835 Rqmt Prov: OP O-02102

Description:

Invalid monthly sample analysis. Date 07/31/2004 (351678)

Self Report? Classification

30 TAC Chapter 305, SubChapter F 305.125(1) Citation:

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date 08/18/2004 (258329)

Self Report? Classification Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)

30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: OP O-02101

PA Permit No. 1849A SC No.4E PA Permit No. 2033A SC No. 9E PA Permit No. 26246 SC No. 9E

PA Permit No. 29481 SC No. 7E Description: RE failed to plug the open-ended valves or lines.

Self Report? NO Classification Minor

30 TAC Chapter 101, SubChapter A 101.20(2) Citation:

40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.118(a)(3)

Rqmt Prov: OP O-02101 Special Condition No. 1E

Description: Regulated Entity failed to maintain hourly records of the flow meter on the bypass line. Date 01/04/2005 (343305)

Classification Moderate Self Report?

Citation:

30 TAC Chapter 101, SubChapter F 101.201(g) 30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:

PERMIT TCEQ Air Permit No. T-18033 Bayer failed to comply with 30 TAC 101.222(b).

Description: Date 02/28/2005 (381659)

Moderate Classification Self Report?

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description:

Failure to meet the limit for one or more permit parameter

Date 07/08/2005 (394069)

Self Report?

Classification Moderate

Citation:

30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4)

PERMIT 32835, SC 9

Rqmt Prov:

OP O-02102, SC 7

Description:

Failure to conduct May 2004 ammonia slip test on CTO.

Moderate Self Report? NO Classification

Citation:

30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)

Rqmt Prov:

PERMIT 18033, SC 2E PERMIT 22197, SC 10E PERMIT 32678, SC 3E PERMIT 32679, SC 7E OP O-02102, SC 1A & SC 7

Description: Failure to seal open-ended lines.

Self Report? NO Classification Minor

Citation:

30 TAC Chapter 122, SubChapter B 122.145(2)(A) Incomplete deviation reports.

Description:

Date 07/08/2005 (394317)

Classification Minor Self Report?

Citation:

30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4)

PERMIT 34017, SC 12E Rgmt Prov:

OP O-02103, SC 1A & SC 5 Failure to seal open-ended lines

Description:

Classification Moderate Self Report? NO

Citation:

30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4)

Rgmt Prov:

PERMIT 34017, SC 17D OP O-02103, SC 5

Description: Failure to record liquid flowrate in the caustic fume scrubber

Date 07/15/2005 (396158)

Classification Minor NO Self Report?

30 TAC Chapter 122, SubChapter B 122.145(2)(A)

Citation:

Description: Incomplete deviation reports.

Classification Minor Self Report? NO

Citation:

Description:

30 TAC Chapter 115, SubChapter D 115,352(4) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4)

PERMIT 20153, SC 10E Rqmt Prov:

> OP O-02106, SC 1A & SC 9 Missing plugs on open-ended lines.

Date 08/04/2005 (401277)

Classification Moderate Self Report?

30 TAC Chapter 116, SubChapter B 116.115(c) Citation:

Rqmt Prov: PERMIT 35148 Special Condition 3 A

Failure to keep CO emissions within the 100 ppm allowable limit on August 19, 2004 Description:

from 22:00 to 23:00. Date 08/05/2005 (400358)

Classification Moderate Self Report?

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c) Rqmt Prov:

PERMIT # 2006A Special Condition 10E

Description:

Failure to ensure that all open ended lines are equipped with either a cap, blind flange

or a second valve.

Date 08/31/2005

(407287)

Self Report?

30 TAC Chapter 115, SubChapter D 115.352(4)

Citation:

Description:

Failure to ensure that there are no missing caps on valves that are in VOC service.

Date 03/14/2006

(454965)

Self Report?

Classification

Classification

Moderate

Citation:

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:

PERMIT 22197, SC 10E PERMIT 32678, SC 3E PERMIT 32679, SC 7E OP O-02102, SC 7 PERMIT T-18033, SC 2E

-boi√

Description:

Failure to seal open-ended lines.

Self Report?

Classification Minor

Citation:

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT F 63.104(b)(5)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:

OP O-02102, SC 1E

Description:

Failed to correctly analyze the cooling water taken at the entrance and exit of the heat

exchanger.

NO

Self Report?

Classification

Moderate

Citation:

30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter A 382.085(b)

Ramt Prov:

PERMIT 22197, SC 8A OP O-02102, SC 7A

Description:

Failed to monitor, every twelve hours, the water flow rates through the scrubbers.

Self Report?

Classification

Citation:

30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter A 382.085(b)

Rgmt Prov:

OP O-02102, SC 7 PERMIT T-18033, SC 6

Description:

Failed to include the time of the inspection of components that are in low volatility

service.

Self Report? NO

30 TAC Chapter 122, SubChapter B 122.145(2)(A)

Citation: Description:

Failed to include on the semiannual deviation reports, the failure to monitor, every

twelve hours, the water flow rates through the scrubbers and the failure to include the

time of the inspection of components that are in low volatility service.

Date 08/18/2006

(465994)

Self Report?

Classification

Citation:

30 TAC Chapter 101, SubChapter F 101,201(b)(1)(H)

Description:

Failed to meet the Emissions Event Reporting and Recordkeeping Requirements.

Date 12/21/2006 (517975)

Self Report?

Classification

Classification

Minor

Minor

Citation:

30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)

Description:

Failure to include the facility's permit number in the final report.

Date 01/31/2007 (532639)

Self Report?

Classification

Citation:

30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov:

OP FOP O-02529, SC 12

PA NSR Permit No. 39943, SC 7A

Description: Failure to conduct AVO walk through record keeping at the tank farm/barge dock area,

Self Report? NO Classification Minor

Citation:

30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1) 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP FOP O-02529, SC 12

PA NSR Permit No. 39943, SC 8E

Description: Failure

Self Report? NO

Failure to plug 18 open-ended lines.

Date 03/02/2007 (532758)

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP FOP O-02104, Special Condition 8

PERMIT NSR #2006A, Special Condition 10E

Description: Failure to ensure that all open ended lines are equipped with either a cap, blind flange

Classification

Minor

or a second valve.

F. Environmental audits.

Notice of Intent Date: 3/12/2002 (60350)

Disclosure Date: 10/15/2002

Viol. Classification: Minor

Citation: 30 TAC Chapter 111, SubChapter A

Description: Failed to maintain documents relating to SIR vent flare from DTA 1 unit.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A

30 TAC Chapter 116, SubChapter B

Description: Failed to repair leaks within 5 days after they were discovered.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B

Rqmt Prov: PERMIT 2035A, Special Condition 10

Description: Failed to initiate maintenance of leaking valves.

Viol. Classification: Minor

Citation: 30 TAC Chapter 111, SubChapter A

30 TAC Chapter 116, SubChapter B

Description: Failed to designate leaking pumps as such or undertake repair activities.

Viol. Classification: Minor

Citation: 30 TAC Chapter 111, SubChapter A

Description: Failed to maintain records for Instrument No. 850.

Viol. Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B Rgmt Prov: PERMIT 18033, Special Condition

Description: Failed to follow LDAR procedures as specified.

Viol. Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter D

Description: Failed to keep records of operating hours of several emergency generators.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B Rqmt Prov: PERMIT 22197, Special Condition 11

Description: Failed to test the back-up scrubber/adsorber (EPN FV05010900).

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B Rqmt Prov: PERMIT 39943, Special Condition 13A

Description: Failed to submit alternate method for TDI smapling to TCEQ for approval.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B Rqmt Prov: PERMIT 39943, Special Condition 13A

Description: Failed to perform twice daily AVO inspections for the shipping operations.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B

Description: Failed to authorize emissions from deisel engines for the power pumps, emergency power generators, www storage tank

associated w/ the MDA II unit, the HCL tank and the ammonia tank associated w/ utility opeations and wwt plant.

Viol. Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B

Description: Failed to authorize emissions from several emissions points associated with the HCL unit.

Viol. Classification: Minor

Citation: 30 TAC Chapter 111, SubChapter A

30 TAC Chapter 116, SubChapter B

Description: Failed to document weekly inspections of agitators for the TDA I unit.

Viol. Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B Rqmt Prov: PERMIT 35148, Special Condition 8B

Description: Failed to maintain records of downtimes for the CEM serving boilers No. 5 & 6, nor have downages been reported to the

TCEQ Regional Director.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B Rqmt Prov: PERMIT 34017, Special Condition 7

Description: Failed to maintain required pH levels in the caustic fume scrubber.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B Rqmt Prov: PERMIT 34017, Special Condition 7

Description: Failed to maintain the required flow rate through the caustic fume scrubber.

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

- I. Participation in a voluntary pollution reduction program.
- J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
BAYER MATERIAL SCIENCE LLC	§	
RN100209931	§	ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2007-0400-AIR-E

I. JURISDICTION AND STIPULATIONS

At its ______ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Bayer MaterialScience LLC ("Bayer") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and Bayer appear before the Commission and together stipulate that:

- 1. Bayer owns and operates a chemical manufacturing plant at 8500 West Bay Road in Baytown, Chambers County, Texas (the "Plant").
- 2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
- 3. The Commission and Bayer agree that the Commission has jurisdiction to enter this Agreed Order, and that Bayer is subject to the Commission's jurisdiction.
- 4. Bayer received notice of the violations alleged in Section II ("Allegations") on or about March 7, 2007.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Bayer of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 6. An administrative penalty in the amount of Thirty-Eight Thousand Two Hundred Thirty-Three Dollars (\$38,233) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Bayer has paid Thirty Thousand Five Hundred Eighty-Seven Dollars (\$30,587) of the administrative penalty and Seven Thousand Six Hundred Forty-Six Dollars

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(\$7,646) is deferred contingent upon Bayer's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Bayer fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Bayer to pay all or part of the deferred penalty.

- 7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director of the TCEQ and Bayer have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
- 9. The Executive Director recognizes that Bayer has implemented the following corrective measures at the Plant:
 - a. In order to ensure that the issue of open-ended lines is addressed, on October 3, 2006, Leak Detection and Repair ("LDAR") training was conducted and a procedure to enforce the LDAR program every other month was implemented;
 - b. On December 7, 2005, the flame scanner parts which caused the incinerator at Unit FV 11514600 to malfunction were replaced; and
 - c. On April 26, 2006, the interface data system that collected and recorded data from the flow indicator from the hydrogen chloride incinerator was repaired and the problem that led to data loss was corrected.
- 10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Bayer has not complied with one or more of the terms or conditions in this Agreed Order.
- 11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, Bayer is alleged to have:

1. Failed to seal open-ended lines in Volatile Organic Compound ("VOC") service, in violation of 30 Tex. ADMIN. CODE §§ 122.143(4), 115.352(4), 116.115(c), Air Permit No. O-02101, Special Terms and Conditions No. 11, Air Permit No. 1849A, Special Condition ("SC") No. 4E, Air Permit No. 2005, SC No. 3C, Air Permit No. 2033, SC No. 9E, Air Permit No. 26246, SC No. 9E, Air Permit No. 29481, SC No. 7E, 40 CODE OF FEDERAL REGULATIONS ("CFR") § 60.167(a)(1) and Tex. Health & Safety Code § 382.085(b), as documented during an

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investigation conducted on January 3, 2007. Specifically, Bayer discovered and reported a total of ninety-three open-ended lines that were in VOC service during the time period of October 1, 2005 to September 30, 2006.

- 2. Failed to reduce emissions of total organic hazardous air pollutants by 98 weight-percent or to a total concentration of 20 parts per million volume, in violation of 30 Tex. ADMIN. CODE § 101.20(2), 40 CFR § 63.113(a)(2) and Tex. Health & Safety Code § 382.085(b), as stated in the April 28, 2006 deviation report. Specifically, there were eleven deviations which occurred between October 5, 2005, and January 23, 2006, lasting for a total of sixteen hours and releasing approximately 8,061 pounds ("lbs") of carbon monoxide, 116.28 lbs of chlorobenzene and 28.77 lbs of ortho dichlorobenzene from the incinerator at Unit FV11514600.
- 3. Failed to collect and record data from flow indicator on the hydrogen chloride incinerator at Unit FV 11514600 from 8:14 A.M. to 9:14 A.M. on April 26, 2006, in violation of 30 TEX. ADMIN. CODE § 101.20(2), 40 CFR §§ 63.114(d)(1) and 63.152(f)(1), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on January 3, 2007. The data from this indicator is required to be monitored and recorded continuously.

III.DENIALS

Bayer generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Bayer pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Bayer's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Bayer MaterialScience LLC, Docket No. 2007-0400-AIR-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. The provisions of this Agreed Order shall apply to and be binding upon Bayer. Bayer is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
- 3. This Agreed Order, issued by the Commission, shall not be admissible against Bayer in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

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Bayer MaterialScience LLC DOCKET NO. 2007-0400-AIR-E Page 4

- 4. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
- 5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Bayer, or three days after the date on which the Commission mails notice of the Order to Bayer, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*	e de la companya de			
For the Commission				
god Srolin			10/18/07	
For the Executive Director		Date	, , , , , ,	•

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Signature for Jim Newport

5/16/07

Name (Printed or typed)

Authorized Representative of

Bayer Material Science LLC

VP CAS Manufacturing

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

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